



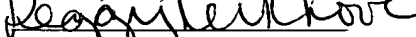
DFJ

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KITTAKA, et al.	Examiner	A. Ullah
Serial No.:	10/547,535	Group Art:	2874
Filed:	August 31, 2005	Docket:	10873.1764USWO
Confirmation No.:	8143	Notice of Allow Date:	n/a
Due Date:	n/a		
Title:	WAVEGUIDE ELEMENT USING PHOTONIC CRYSTAL		

**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 8, 2006, 2005.

By:   
Name: Peggy Kerkhove

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**52835**

PATENT TRADEMARK OFFICE

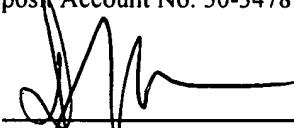
Sir:

The following papers are transmitted herewith:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 6 references, copies of two European Search Reports
- ☒ Return Postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-3478. A duplicate of this sheet is enclosed.

Hamre, Schumann, Mueller & Larson, P.C.  
P.O. Box 2902-0902 Minneapolis, MN 55402  
612.455-3800

By:   
Name: Douglas P. Mueller  
Reg. No.: 30,300  
Initials: DPM/pjk



S/N 10/547,535

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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By:

*Peggy Rerkhove*

Name: Peggy Rerkhove

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in a European Search Report mailed March 13, 2006. While others were cited in a European Search Report mailed April 27, 2006. The US equivalent of EP 1 184 708, which is cited in the search report mailed March 13, 2006, was previously cited by the Applicant on November 15, 2005.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. No fee is due as this statement is submitted as certified below under 37 C.F.R. § 1.97(e)(1) or (2) by the undersigned.



**Certification Under 37 C.F.R. §1.97(e)(1)**

In accordance with 37 C.F.R. §1.97(c) or §1.97(d), the undersigned hereby certifies that each item of information listed on the enclosed Form 1449 was first cited in a communication from a foreign patent office in a counterpart foreign application within three months of filing this statement.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §1.98(a)(3)):

An English abstract has been included for JP 2001-51244.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

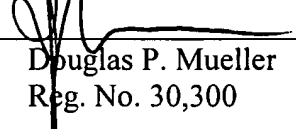
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
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Minneapolis, MN 55402-0902  
(612) 455-3800

Dated: June 8, 2006

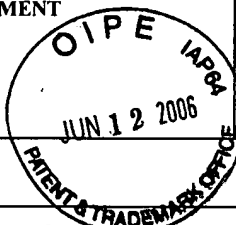
By:   
Douglas P. Mueller  
Reg. No. 30,300

DPM/pjk

**52835**

PATENT TRADEMARK OFFICE

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 10873.1764USWO	Application Number: 10/547,535
	Applicant: KITTAKE, et al. Filing Date: August 31, 2005	
		Group Art Unit: 2874



U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,134,043	October, 2000	Johnson, et al.			
	2002/0060847	May, 2002	Joannopoulos et al.			

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1 039 561	September, 2000	EPO				
	2001-51244	February, 2001	Japan			Abstract	
	1 211 531	June, 2002	EPO				
	1 248 123	October, 2002	EPO				
	03/079071	September, 2003	WIPO				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		YEH, P., et al., "Electromagnetic propagation in periodic stratified media. I. General theory", <i>Optical Society of America</i> , Vol. 67, No. 4, pp. 423-438 (1977)

<b>52835</b> PATENT TRADEMARK OFFICE
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EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	